

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

09 CR 718 (SJ) (MDG)

v.

JUAN CARLOS ESCOBAR GONZALEZ,

ORDER ADOPTING
REPORT AND
RECOMMENDATION

Defendant.

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A P P E A R A N C E S

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By: Michael K. Schneider
Attorney for Defendant

JOHNSON, Senior District Judge:

Defendant Juan Carlos Escobar Gonzalez ("Defendant") has been charged in a three-count indictment with: (1) one count of transporting a minor in interstate

commerce to engage in illegal sexual activity in violation of 18 U.S.C. § 2423(a) (“Count One”); (2) one count of traveling in interstate commerce to engage in illicit sexual activity with a minor in violation of 18 U.S.C. § 2423(b) (“Count Two”); and (3) one count of alien smuggling in violation of 8 U.S.C. § 1324(a)(1)(A).

Presently before this Court is Defendant’s motion to dismiss Counts One and Two of the indictment for lack of venue. (See Docket Entry (“DE”) No. 23.) On February 24, 2011, the motion was referred to Magistrate Judge Marilyn D. Go for a Report and Recommendation (“Report”). On March 23, 2011, Magistrate Judge Go issued a Report in which she recommends denying the motion without prejudice to renew at trial. (See DE No. 28.) To date, no objections have been filed with this Court.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 14 days of service of the recommendation, any party may file written objections to the magistrate’s report. See id. If either party objects to the magistrate judge’s recommendations, the district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” See id. The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and

recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, objections to Magistrate Judge Go's recommendations were due by April 11, 2011. No objections to the Report were filed with this Court. Upon review of the recommendations, this Court adopts and affirms Magistrate Judge Go's Report in its entirety. Accordingly, Defendant's motion to dismiss Counts One and Two of the indictment is DENIED WITHOUT PREJUDICE to renew at trial.

SO ORDERED.

s/ SJ

DATED: April 13, 2011
Brooklyn, New York

Hon. Sterling Johnson, Jr., Senior U.S.D.J.